



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: F. Horst et al. : Art Unit
Serial No.: 08/221,704 : Examiner
Filed: April 1, 1994
FOR: REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE

STATEMENT OF FACTS VERIFIED BY FORKERT HORST, A. BROUSSEAU, R. CASS,
J.L. BOUSQUET, M. MOKHTAR, OLEH SZKLAR, KELLY DOIG, W. NELSON CALDWELL,
H. GIRARD, AND L. ETHIER UNDER 37 C.F.R. § 1.48

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

We, Forkert Horst, A. Brousseau, R. Cass, J.L. Bousquet, M. Mokhtar, Oleh Szklar, Kelly Doig, W. Nelson Caldwell, H. Girard, and L. Ethier, declare that:

(1) We are employees of CANAC INTERNATIONAL INC. and have been employees since before July 1985.

(2) In the course of our employment, we were engaged as a group since about February 1987 in the development of a remote control system for a locomotive on which Canac International Inc. decided to seek patent protection in January 1994.

(3) A patent application on the remote control system for a locomotive was prepared by Stephan P. Georgiev, patent agent with the firm Fetherstonhaugh & Co. in Montreal, Canada. Mr. Georgiev worked primarily with Nelson Caldwell, Forkert Horst, M. Mokhtar and Oleh Szklar in preparing the specification and claims of the patent application.

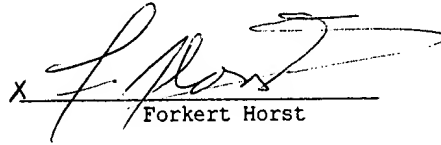
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Forkert Horst	Oleh Szklar	A. Brousseau	
Kelly Doig	Dr. R. Cass	Dr. W. Nelson Caldwell	
J. L. Bousquet	H. Girard	M. Mokhtar	L. Ethier

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18 AUG 1994
Date

X 
Forkert Horst

Date

A. Brousseau

Date

Dr. R. Cass

Date

J. L. Bousquet

Date

M. Mokhtar

Date

Oleh Szklar

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Date

Forkert Horst

Date

A. Brousseau

Date

Dr. R. Cass

Date

J. L. Bousquet

Date

M. Mokhtar

August 18, 1994
Date

* Oleh Szklar
Oleh Szklar

Date

Kelly Doig

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A. Brousseau

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Dr. R. Cass

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J. L. Bousquet

Date

M. Mokhtar

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Oleh Szklar

Date

Kelly Doig

Aug 22, 1994
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x W. Nelson Caldwell
Dr. W. Nelson Caldwell

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Forkert Horst

18 August 1994
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Dr. R. Cass

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J. L. Bousquet

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A. Brousseau

August 18, 1994
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R. Cass
Dr. R. Cass

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Dr. R. Cass

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August 24th, 1994

x Jean Louis Bousquet
J. L. Bousquet

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H. GIRARD, AND L. ETHIER UNDER 37 C.F.R. § 1.48

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

We, Forkert Horst, A. Brousseau, R. Cass, J.L. Bousquet, M. Mokhtar, Oleh Szklar, Kelly Doig, W. Nelson Caldwell, H. Girard, and L. Ethier, declare that:

(1) We are employees of CANAC INTERNATIONAL INC. and have been employees since before February 1987.

(2) In the course of our employment, we were engaged as a group since about February 1987 in the development of a remote control system for a locomotive on which Canac International Inc. decided to seek patent protection in January 1994.

(3) A patent application on the remote control system for a locomotive was prepared by Stephan P. Georgiev, patent agent with the firm Fetherstonhaugh & Co. in Montreal, Canada. Mr. Georgiev worked primarily with Nelson Caldwell, Forkert Horst, M. Mokhtar and Oleh Szklar in preparing the specification and claims of the patent application.

(4) During the process of preparing the patent application, Nelson Caldwell was requested by Mr. Georgiev to supply a list of the inventors along with their residential addresses, which information was required to lodge the patent application in the United States. The inventorship information was actually supplied to Mr. Georgiev by Fred Horst, by letter dated March 31, 1994 that was faxed to the offices of Fetherstonhaugh & Co. in Montreal that same day. A copy of this letter is enclosed herewith. That letter makes reference to the following inventors:

Forkert Horst	Oleh Szklar	A. Brousseau	
Kelly Doig	Dr. R. Cass	Dr. W. Nelson Caldwell	
J. L. Bousquet	H. Girard	M. Mokhtar	L. Ethier

(5) The above inventorship information supplied to Mr. Georgiev was generated with the understanding that a person acquires the status of inventor if he (she) had contributed significantly to the development of the project on the remote control system for a locomotive. We were not aware at the time that inventorship in patent matters should be established on the basis of the subject matter claimed in the application, rather than the project as a whole. Since the patent application on the remote control system for a locomotive claims only certain specific aspects of the whole project that were developed by Forkert Horst, Dr. R. Cass, J. L. Bousquet, Oleh Szklar and Kelly Doig, it follows that the remaining individuals named as inventors in the present U.S. application who have not participated in a significant way to the claimed subject matter, should be deleted from the application.

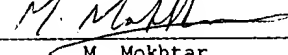
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Date Forkert Horst

Date A. Brousseau

Date Dr. R. Cass

Date J. L. Bousquet

August 18, 1994
Date x 
M. Mokhtar

Date Oleh Szklar

Date Kelly Doig

Date Dr. W. Nelson Caldwell

Date H. Girard

Date L. Ethier

DECLARATION FOR PATENT APPLICATION (USA)

As below named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. We believe that we are an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE the specification of which

(check one) () is attached hereto
(X) was filed on April 1, 1994 as
Application Serial No. 08/221,704
and was amended on _____
(if applicable)

We hereby state that we have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>2,120,454</u>	<u>Canada</u>	<u>31 / 03 / 94</u>	(X)	()
(Number)	(Country)	(Day/Mth/Year Filed)	Yes	No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing dated of the prior application and the national or PCT international filing dated of this application:

[Application Ser.No.] [Filing Date] [Status](patented, pending, abandoned)
() Additional applications identified on attached sheet

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Direct all telephone calls to Paul F. Prestia, (610) 265-6666
Address all correspondence to Ratner & Prestia, 500 N. Gulph Road, P.O. Box 980
Valley Forge, PA. 19482

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued there on.

X 1-00
Folkert Horst [Signature] 18-AUG-94
Full name of First Inventor Inventor's Signature Date
4294 Graham Drive, Pierrefonds, Quebec H9H 2B6 CAX CANADIAN
Residence Citizenship
same as above
Post Office Address

Oleh Szklar
Full name of Second Joint Inventor Inventor's Signature Date
6845 des Coquelicots, St-Hubert, Quebec J3Y 8N9 CANADIAN
Residence Citizenship
same as above
Post Office Address

DECLARATION FOR PATENT APPLICATION (USA)

As below named inventors, we hereby declare that:

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We believe that we are an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE the specification of which

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Prior Foreign Application(s)

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<u>2,120,454</u>	<u>Canada</u>	<u>31 / 03 / 94</u>	(X)	()
(Number)	(Country)	(Day/Mth/Year Filed)	Yes	No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

[Application Ser.No.] [Filing Date] [Status](patented, pending, abandoned)

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Folkert Horst

Full name of First Inventor	Inventor's Signature	Date
<u>4294 Graham Drive, Pierrefonds, Quebec H9H 2B6</u>		<u>CANADIAN</u>
Residence		Citizenship
<u>same as above</u>		
Post Office Address		

2-00

Full name of Second Joint Inventor	Inventor's Signature	Date
<u>Oleh Szklar</u>	<u>x Oleh Szklar</u>	<u>August 18, 1994</u>
<u>6845 des Coquelicots, St-Hubert, Quebec J3Y 8N9</u>	<u>CAX</u>	<u>CANADIAN</u>
Residence		Citizenship
<u>same as above</u>		
Post Office Address		

Kelly Doig

Full name of Third Joint Inventor Inventor's Signature Date

224 Grandview Road, Nepean, Ontario K2H 8A9 CANADIAN
Residence Citizenship

same as above

Post Office Address

4-00

Dr. R. Cass

Full name of Fourth Joint Inventor x George Robert Cass August 18,
Inventor's Signature Date 1994

5862 Notre Dame de Grace Ave., Montreal, Quebec H4A 1M8 CANADIAN
Residence Citizenship

same as above

Post Office Address

J. L. Bousquet

Full name of Fifth Joint Inventor Inventor's Signature Date

10102 Christophe-Colomb, Montreal, Quebec H2C 2T7 CANADIAN
Residence Citizenship

same as above

Post Office Address

Kelly Doig

Full name of Third Joint Inventor	Inventor's Signature	Date
<u>224 Grandview Road, Nepean, Ontario K2H 8A9</u>		<u>CANADIAN</u>
Residence		Citizenship
<u>same as above</u>		
Post Office Address		

Dr. R. Cass

Full name of Fourth Joint Inventor	Inventor's Signature	Date
<u>5862 Notre Dame de Grace Ave., Montreal, Quebec H4A 1M8</u>		<u>CANADIAN</u>
Residence		Citizenship
<u>same as above</u>		
Post Office Address		

5-00

J. L. Bousquet

Full name of Fifth Joint Inventor	<u>Jean-Louis Bousquet</u> Inventor's Signature	<u>August 24th, 1994</u> Date
<u>10102 Christophe-Colomb, Montreal, Quebec H2C 2T7</u>		<u>CANADIAN</u>
Residence		Citizenship
<u>same as above</u>		
Post Office Address		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: F. Horst et al. : Art Unit
Serial No.: 08/221,704 : Examiner
Filed: April 1, 1994
FOR: REMOTE CONTROL SYSTEM :
FOR A LOCOMOTIVE

STATEMENT OF FACTS VERIFIED BY STEPHAN P. GEORGIEV
UNDER 37 C.F.R. § 1.48

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231
SIR:

I, Stephan P. Georgiev, declare that:

(1) I am associated with the firm Fetherstonhaugh & Co. that was entrusted by Canac International Inc. for the preparation and the prosecution of the Canadian patent application which corresponds to the above-identified U.S. patent application.

(2) By reason of prior disclosure, the ultimate deadline to lodge the present application in the United States and in Canada was April 1, 1994. Since that date was an official holiday in Canada, the Canadian application had to be lodged no later than March 31, 1994.

(3) I worked primarily with Dr. W. Nelson Caldwell, Forkert Horst, M. Mokhtar and Oleh Szklar, all employees of Canac International Inc., for preparing the specification and claims of the patent application. During the process of preparing the patent application, I requested Dr. W. Nelson Caldwell to supply a list of the inventors along with their residential addresses, which information is required to lodge a patent application in Canada and in the United States. The inventorship information was actually supplied by Mr. Forkert Horst by letter dated March 31, 1994 that was faxed to the offices of Fetherstonhaugh & Co. in Montreal at 5:00 p.m. A copy of this letter is enclosed herewith. The time stamp near the upper edge of the sheet identifies the time of arrival. That letter makes reference to the following inventors: Forkert Horst, A. Brousseau, R. Cass, J.L. Bousquet, M. Mokhtar, Oleh Szklar, Kelly Doig, W. Nelson Caldwell, H. Girard, and L. Ethier.

(4) The offices of the Federal Government in Montreal that are competent to receive patent applications, close at 4:30 p.m. Thus, at the time of arrival of the letter of Forkert Horst at the offices of Fetherstonhaugh & Co., it was no longer possible to file the application in Montreal. In order to obtain a filing date in Canada of March 31, 1994, I forwarded the application by facsimile to the offices of Fetherstonhaugh & Co. in Vancouver which is into a different time zone, hence the offices of the Federal Government were still open for business.

(5) Due to the extremely short time available to lodge the application in Canada, I had no opportunity to inquire with Canac International Inc. as to whether the inventors designated in the letter of Forkert Horst, had contributed all to the development of the subject matter claimed in the application. Accordingly, the Canadian application was lodged naming the ten inventors.

(6) On the next day, April 1, 1994, I forwarded by facsimile instructions to the firm Ratner & Prestia to file this application in the United States. The U.S. application was filed naming also the ten inventors because April 1, 1994 in Canada is an official holiday and the offices of Canac International Inc. were closed for business. As a consequence, I did not have the opportunity on that day to effect a verification as to whether the inventorship information supplied to me was accurate.

(7) On April 26, 1994, I forwarded a letter to Canac International Inc. to report the filing of the application in Canada and in the United States. Since ten inventors is a rather unusually high number, I inquired into my letter as to whether they have all contributed to the development of the claimed subject matter. On June 3, 1994, I received a reply letter from Canac International indicating that A. Brousseau, Dr. W. Nelson Caldwell, H. Girard, M. Mokhtar and L. Ethier, were improperly named on the above-identified application and that only Forkert Horst, Oleh Szklar, Kelly Doig, Dr. R. Cass and J. L. Bousquet, are the individuals who have developed the subject matter claimed in the U.S. application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 2nd, 1994
Date

Stephan Georgiev
Stephan P. Georgiev

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: F. Horst et al. : Art Unit
Serial No.: 08/221,704 : Examiner
Filed: April 1, 1994
FOR: REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE

STATEMENT OF FACTS VERIFIED BY FORKERT HORST, A. BROUSSEAU, R. CASS,
J.L. BOUSQUET, M. MOKHTAR, OLEH SZKLAR, KELLY DOIG, W. NELSON CALDWELL,
H. GIRARD, AND L. ETHIER UNDER 37 C.F.R. § 1.48

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

We, Forkert Horst, A. Brousseau, R. Cass, J.L. Bousquet, M. Mokhtar, Oleh Szklar,
Kelly Doig, W. Nelson Caldwell, H. Girard, and L. Ethier, declare that:

(1) We are employees of CANAC INTERNATIONAL INC. and have been employees
since before Kelly Doig - employed by C.N.R. 08/85 - 12/89

? (2) In the course of our employment, we were engaged as a group since about
08/87 - 12/89 in the development of a remote control system for a locomotive
on which Canac International Inc. decided to seek patent protection in January 1994.

(3) A patent application on the remote control system for a locomotive was
prepared by Stephan P. Georgiev, patent agent with the firm Fetherstonhaugh & Co. in
Montreal, Canada. Mr. Georgiev worked primarily with Nelson Caldwell, Forkert Horst,
M. Mokhtar and Oleh Szklar in preparing the specification and claims of the patent
application.

(4) During the process of preparing the patent application, Nelson Caldwell
was requested by Mr. Georgiev to supply a list of the inventors along with their
residential addresses, which information was required to lodge the patent application
in the United States. The inventorship information was actually supplied to Mr.
Georgiev by Fred Horst, by letter dated March 31, 1994 that was faxed to the offices
of Fetherstonhaugh & Co. in Montreal that same day. A copy of this letter is enclosed
herewith. That letter makes reference to the following inventors:

Forkert Horst	Oleh Szklar	A. Brousseau
Kelly Doig	Dr. R. Cass	Dr. W. Nelson Caldwell
J. L. Bousquet	H. Girard	M. Mokhtar
		L. Ethier

(5) The above inventorship information supplied to Mr. Georgiev was

generated with the understanding that a person acquires the status of inventor if he (she) had contributed significantly to the development of the project on the remote control system for a locomotive. We were not aware at the time that inventorship in patent matters should be established on the basis of the subject matter claimed in the application, rather than the project as a whole. Since the patent application on the remote control system for a locomotive claims only certain specific aspects of the whole project that were developed by Forkert Horst, Dr. R. Cass, J. L. Bousquet, Oleh Szklar and Kelly Doig, it follows that the remaining individuals named as inventors in the present U.S. application who have not participated in a significant way to the claimed subject matter, should be deleted from the application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Forkert Horst

Date

A. Brousseau

Date

Dr. R. Cass

Date

J. L. Bousquet

Date

M. Mokhtar

Date

Oleh Szklar

Date

August 22/94

x


Kelly Boig

Date

Dr. W. Nelson Caldwell

Date

H. Glend

Date

L. Ethier

SENT BY: CANAC

: 8-19-94 : 15:31 : CANAC RAILROAD TECHN-

DECLARATION FOR PATENT APPLICATION (USA)

As below named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

We believe that we are an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REMOTE CONTROL SYSTEM FOR A LOCOMOTIVE the specification of which

(check one) () is attached hereto
 (X) was filed on April 1, 1994 as
 Application Serial No. 08/221.704
 and was amended on _____
 (if applicable)

~~We hereby state that we have reviewed and understand the content of the above identified specification, including the claims, as amended by any amendment referred to above.~~

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
<u>2,120,454</u>	<u>Canada</u>	<u>31 / 03 / 94</u>	(X)
(Number)	(Country)	(Day/Mth/Year Filed)	Yes No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing dated of the prior application and the national or PCT international filing dated of this application:

[Application Ser.No.]	[Filing Date]	[Status] (patented, pending, abandoned)
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() Additional applications identified on attached sheet

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Direct all telephone calls to Paul F. Prestia, (610) 265-6666
 Address all correspondence to Ratner & Prestia, 500 N. Gulph Road, P.O. Box 980
Valley Forge, PA. 19482

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<u>Folkert Horst</u>	Inventor's Signature	Date
Full name of First Inventor		
<u>1004 Graham Drive, Pierrefonds, Quebec H9H 2B6</u>		<u>CANADIAN</u>

Residence

Citizenship

~~Same as above~~

Post Office Address

Oleh Szkler

Full name of Second Joint Inventor

Inventor's Signature

Date

6845 des Coquelicots, St-Hubert, Quebec J3Y 8N9

CANADIAN

Residence

Citizenship

~~Same as above~~

Post Office Address

3-00

Kelly DolaFull name of Third Joint Inventor CAXX Inventor's SignatureDate8A Spring Grove Lane Nepean, Ontario K2J 2Z6CANADIANResidenceCitizenshipsame as abovePost Office AddressDr. R. CassFull name of Fourth Joint Inventor Inventor's SignatureDate5862 Notre Dame de Grace Ave., Montreal, Quebec H4A 1M8CANADIANResidenceCitizenshipsame as abovePost Office AddressJ. L. BousquetFull name of Fifth Joint Inventor Inventor's SignatureDate10102 Christophe-Colomb, Montreal, Quebec H2C 2T7CANADIANResidenceCitizenshipsame as abovePost Office Address